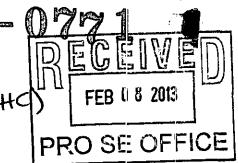
ORIGINAL

United States District Court Eastern District Of New York Complaint Jury Trial Demanded

CV 13

Carlos. A. Antonetti (Plaintiff)
-Against The City Of New York,

The City Of New York,
Woodhull Medical And Mental Health Center, (HHC
Davol, A Bard Company. (Defendants)



1. Parties

Plaintiff- Carlos. A. Antonetti., Resides at 263 Stockholm Stree ARAUFIS, Brooklyn New York 11237 Apt#2R. (Mailing Address) is 237 Irving Avenue, Brooklyn New York 11237 Apt#2R.

Defendants- Woodhull Medical And Mental Health Center. 760

Broadway, Brooklyn New York 11206.

The City Of New York, Office Of The Comptroller. 1 Centre

Street. New York, N.Y. 10007-2341

- Davol, A Bard Company 100 Crossings Boulevard, Warwick R.I. 02886.
- 2. The jurisdiction of this Court is invoked pursuant under the laws and rules 21 U.S.C. 360 And 38 U.S.C. 7316 and its defended by the Federal Government as well as The United States Of America.
- 3. Statement Of Claim.

On February 2008 I had went to Woodhull Medical And Mental Health Center In Brooklyn New York for a routine follow up check up with my medical doctor then in that hospital. DR. (Zaki Wasfy). Who then claimed and said I had a inguinal hernia and needed surgery. He then referred me to DR. Efren. Quinto. MD (Surgeon) NBHN# 5512 Lic. # 166036 MMIS # 698866. Who Proformed the surgery and procedure on Wednesday March 26, 2008 in the afternoon time. The device that was placed inside of me was a keyhole mesh (Davol Bard Mesh Perfix Plug size medium plug with expiration date April 2012 Lot-HURD0815 REF-0112960. After about a year or so Summer of 2009. I had

started to feel survere pains cramps and tingling like electricity going down my left pelvic area to my left scrodum and testicle and down my left leg as well. The pain would occur when I would be either walking or going up or down the stairs laying sitting getting up etc. I informed the surgeon Dr. Quinto that I was feeling pains and very strange and different after this device being implanted in me. He told me some people heal faster then others and some longer but that also that in some people there body rejects the mesh. He started giving me shots in the area of the surgery and said that eventually I would heal better but that wasn't helping at all or happening. He then in late 2010 two years after the surgery ordered some cat scans of my pelvic and abdominal area. When I went for the results he later then told me the the scar tissue that remains after surgery and the mesh plug must have gotten caught with my nerve that goes down my left thigh and leg to my left scrodum area. That he could kill off the nerve so I wont feel that much pain or discomfort but that the left side of my thigh the front area would feel num without much feeling. I told him no that I wanted the mesh removed because I knew it had messed up my insides cause I was feeling it and different he claimed that the mesh and scar tissue both caused the damage that literally damaged one of my nerves. He then scheduled me for surgery on January 12, 2011 in the afternoon time at Woodhull Medical And Mental Health Center In Brooklyn New York 11206 760 Broadway. Even after the removal of this device I still feel pains discomfort going from pelvic area and abdominal area to my left leg and left scrodum area. This device I had implanted in me has caused a lot of heartache and pains and discomforts in my life at times without sleep because of it. I left that hospital after that surgery the second one to remove the mesh so I could go by my house to a hospital I feel more safer with and secure Wyckoff Heights Medica Center In Brooklyn New York 11237. 374 Stockholm Street. I follow up there with my pain management doctor who gives me medications for my pains that has to do with my back and neck disabilities too and

also with the inguinal hernia surgery and its pains and discomforts. I still follow up with my doctors and primary specialist doctors at Wyckoff Hospital no Longer in Woodhull I stopped going to Dr. Quinto in mid 2012. When he had scheduled me for another cat scan but I was afraid of getting another one because I have gotten a few already there in that hospital along with mri's and that radiation going inside of you constantly and too much I know its no good it could also hurt my chances of producing and having kids as well. Iam really holding more this Davol Bard Mesh Company for there product implanted in me and the Hospital Woodhull And City Of New York for using these products from this company in City hospitals (HHC) without knowing the consiquences of it and how it might affect someones life or body. This is something that they must really consider of recalling if they havent yet I personally made my complaint with The FDA in early 2011 after the mesh plug removal. I explained the affects and troubles and problems health wise its caused in my life so far. Iam asking this court and hoping they would hold this company liable as well as The Hospital that used and implanted the product in me along with The City Of New York for there negligence malpractice (38 U.S.C. 7316) and products used on humans that cause bodily harm damage and at times death. Iam hoping and wishing for a resolution with this issue and matter at hand.

4. Remedy. (Demands).

The City Of New York. The City Of New York, Office Of The Comptroller. 1 Centre Street. New York, N.Y. 10007-2341. (Mental and Physical Anguish And Suffering) Malpractice And

Negligence. 38 USC 7316 - Sec. 7316.

Malpractice and negligence. 21 U.S.C. 360

Registration Of Producers of drugs or devices. Classification Of Devices intended for Human Use. 21 U.S.C. 360(c) \$50,000

Woodhull Medical And Mental Health Center. 760 Broadway,

Brooklyn New York 11206. (Mental and Physical Anguish And Suffering) Malpractice And Negligence. 38 USC 7316 -

Sec. 7316. Malpractice and negligence.

21 U.S.C. 360 Registration Of Producers of drugs or devices. Classification Of Devices intended for Human Use.

21 U.S.C.360(c)

\$70,000.

Davol, A Bard Company, 100 Crossings Boulevard, Warwick R.I. 02886.

(Mental and Physical Anguish And Suffering) Malpractice And

Negligence. 38 USC 7316 - Sec. 7316.

Malpractice and negligence. 21 U.S.C. 360

Registration Of Producers of drugs or devices. Classification Of Devices intended for Human Use. 21 U.S.C. 360(c) \$70,000.

\$190,000. Total.

347-772-9025 - 347-787-8751. Carlos. A. Antonetti. 02/05/2013.

Carlor, a. Oentonetti. 2/6/2013.

WOODHULL MEDICAL CENTER 760 BROADWAY BROOKLYN, NEW YORK 11206

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Date of Admission-cv-00771 NGG-LB Document 1 Filed 02/08/13, Page 6 of 15 PageID #: 6	
Date of Discharge 1/12/11	
390869 02/10/19/2 WH237	1
Diagnosis and operative means	The state of the s
YOUR FOLLOW-UP APPOINTMENT DATE IS It is important that you keep this appointment. Please bring this slip with you when you come to the clinic or if your have to come to the Emergency Room.	
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ADDITIONAL INSTRUCTIONS Pain medication: Take as directed by your physician	
 □ Do not drink any alcoholic beverages while taking this medication. □ Do not operate any machinery or a motor vehicle while taking this medication. □ Do not take this medication on an empty stomach. □ This medication may become habit forming. 	;
□ Do not take more than pills in any 24 hour period.	
FOR PATIENT: I, May received a copy of this instruction form	
Signature of: Patient Pamily Member Significant Other Patient Pa	
Provider Name (Print) Provider Signature ID# Date	

FOR FACILITY USE ONLY

NEW YORK CITY **HEALTH AND HOSPITALS CORPORATION**

INFORMED CONSENT PROGRESS NOTE

(The Informed Consent Form HHC 100 B-1 on the reverse side must also be completed) Chart No.

Name-

Ward No

(Patient Imprint Card)

I explained the risks, benefits and alternatives of the (Identify Procedure) to tine above-named patient for treatment of (Identify Diagnosis). As I explained to the patient, the risks; benefits, side effects, alternatives, intended goals and likelihood of success of the procedure (including potential problems with recuperation) include but are not limited to: Risks and Side Effects: , Benefits: Alternatives (including their risks, side effects and benefits): I provided the above named patient with the opportunity to ask questions. I have answered the questions asked and it is, my professional opinion that the patient understands what I have explained Signature of Attending Physician or Authorized Health Care Provider

Print Name and Identification Number

IF SOMEONE IS MAKING HEALTH CARE DE THE PATIENT LACKS DECISIONAL CAPACI

I have examined the above-named patient and informed health care decisions. I understand th the patient's Health Care Proxy must be inserted ment for the patient, the next of kin's relationship

Signature of the Attending Physician

Print Name and Identification Number

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HHC 100B-1 (R Jul 04) Eriglish

Authorized Health Care Provider is one who is cre that requires informed consent. See also HHC Conse

Case 1:13-cv-00771-NGG-LB Document 1 Filed 02/08/13 Page 8 of 15 PageID #: 8 RECEIVED JAN 0 4 Chart No RECEIVED JAN 4 0 2011 **HEALTH AND HOSPITALS CORPORATION** Namê INFORMED CONSENT FOR INVASIVE, DIAGNOSTIC, MEDICAL & SURGICAL Ward No **PROCEDURES** (Patient Imprin: Card) (Name of Attending Physician or Authorized Health Care Provider) or his/her Associate Attending Physician of the same service, and assistants as may be selected and supervised by him/her to perform the following medical treatment, operation, or procedure (hereafter called the "procedure"): The procedure has been explained to me and I have been told the reasons why I need the procedure. The risks of the procedure have also been explained to me. In addition, I have been told that the procedure may not have the result that I expect. I have also been told about other possible treatments for my condition and what might happen if no treatment is received. I understand that in addition to the risks described to me about this procedure there are risks that may occur with any surgical or medical procedure. I am aware that the practice of medicine and surgery is not an exact science, and that I have not been given any guarantees about the results of this procedure. I have had enough time to discuss my condition and treatment with my health care providers and all of my questions have been answered to my satisfaction. I believe I have enough information to make an informed decision and I agree to have the procedure. If something unexpected happens and I need additional or different treatment(s) from the treatment I expect, I agree to accept any treatment which is necessary. I agree to have transfusions of blood and other blood products that may be necessary along with the procedure I am having. The risks; benefits and alternatives have been explained to me and all of my questions have been answered to my satisfaction. If I refuse to have transfusions I will cross out and initial this section and sign a REFUSAL OF TREATMENT, orm I agree to allow this facility to keep these or property dispose of dissue and pans of organs that are removed during this procedure. Signature of Patient or Parent/Legal Guardian of Minor Patient If the patient cannot consent for him/herself, the signature of either the health care agent or legal guardian who is acting on behalf of the patient, or the patient's next of kin who is assenting to the treatment for the patient, must be obtained. Date Signature of Health Care Agent/Legal Guardian (Place a copy of the authorizing document in the medical record) Date Signature & Relation of Next of Kin WITNES am a facility employee who is not the patient's physician or authorized named above and I have witnessed the patient or other appropriate person voluntarily sign this form. Signature and Title of Witness INTERPRETER/TRANSLATOR: (To be signed by the interpreter/translator if the patient required such assistance) To the best of my knowledge the patient understood what was interpreted/translated and voluntarily signed this form.

HHC 1008-1 (R Jul 04) English

Signature of Interpreter/Translator

Wed, 12 Jan 11 1430

Page 1 of 2

Status: complete

Woodhull Medical and Mental Health Center Chart Review Print

Location DIS-PAOR 10 Patient Name Antonetti, Carlos Patient Number 390669 Visit Number 390669-58

38.Y

Attending Physician Quinto, Efren

Wed, 26Mar 1558 Operative Report

Surgeon

Surgeon : Elren Quinto, MD
Assistant(s) : Maria Miegge Viera, MD
Attending : Efren Quinto, MD
Dictated by : Efren Quinto, MD
Dictation Date/Time : Wed, 26 Mar 2008 1558
Procedure Details : Operative note

Date/Time of Procedure : Wed, 26 Mar 2008 2008

Anesthesia type: General

Preoperative diagnosis: Left inguinal herni

Postoperative diagnosis: Same

Procedure: Repair of left inquinal hernia Findings: Left reducible direct inquinal

hernia

Description of procedure: Patient was brought to the operating room was placed in supine position and after properly monitored a spinal anesthesia was given. The lower abdomen is prepped and draped in routine manner. A small incision is given half an inch above and parallel to the inguinal ligament in its medial third. Scarpa's fascia was divided in the same line. The external oblique aponeurosis was divided in the same line. Cord structures were identified and dissected at the pubic tubercle and were encircled and held with a penrose drain. The floor of the inguinal canal was cleaned. Ilioinguinal nerve was identified and was preserved. No indirect sac was seen. A small defect was seen in th floor of the inguinal canal. A plug is placed in the defect and was secured with 0 Prolene. The keyhole mesh is placed on the floor of the inguinal canal and is secured t the pubic tubercle medially, conjoined tendo superiorly, inguinal ligament inferiorly wit a tacker. The keyhole accommodating the cor structures and the flaps were tacked together. The wound is irrigated. The

Wed, 12 Jan 11 1430

Page 2 of 2

Woodhull Medical and Mental Health Center Chart Review Print

Location DIS-PAOR 10 Patient Name Antonetti, Carlos Patient Number Visit Number 390669

390669-58

Sex

Attending Physician Quinto, Efren

Wed, 26Mar 1558 Operative Report -- cont'd

external oblique aponeurosis approximated with 0 Prolene keeping the olioinguinal nerve safe. The Scarpa's fascia was approximated with a 3-0 Vicryl. Skin approximated with staples. Wound is cleaned and dressed. The testicle is pulled down. Patient sent to the recovery room in a good condition.

Specimens removed: None

Estimated blood loss: Minimal Condition of patient: Good

Efren Quinto, MD (26 Mar 08 1559)

End of Report * *

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Stamp/Print Name SPECIAL INSTRUCTIONS:	Signature Date						
NO MAKE-UP NO JEWELERY NO NAIL POLISH PLEASE WEAR COMFORTABLE CLOTHING NO HIGH HEFLS OR SANDALS YOU SHOULD SHOWER BEFORE SURGERY DO NOT DRIVE ON THE DAY OF SURGERY NO ALCOHOL-24 hrs before IF YOU SMOKE, TRY TO QUIT OR CUT DOWN	YOU SHOULD BRING THE FOLLOWING: 1. PRE-OP INSTRUCTION SHEET 2. CLINIC CARD/PHOTO ID 3. HEALTH INSURANCE CARD 4. ESCORT – (A PERSON WHO ASSIST YOU HOME AFTER SURGERY) * (IF YOU DO NOT HAVE AN ESCORT, YOUR PROCEDURE WILL BE RESCHEDULED).						
SIGNATURE R.N.	DATE /						
PATIENT NAME Vala (Intout). PATIENT SIGNATURE/LEGAL GUARDIAN	MEDICAL RECORD #						
For Questions Call: Day Surgery – Room 3A60 Pre-Procedure Unit – Room 2C125	(718) 963-8868 (718) 963-8885						

If you have any questions, please call your physician at

2 Feb 10 1530

Page 1 of 2

Woodhull Medical and Mental Health Center 760 Broadway, Brooklyn, NY 11206 Radiology Department

Patient: Antonetti, Carlos MRN-V#: 390669-83 DOB: 07/18/72 Age: 37Y Sex: M

Location: Surgery - 780

DOS: 1 Feb 10 1033 Status: complete

Abdomen CT* With Contrast

INDICATIONS

Recurrent unilateral or unspecified inguinal hernia, without mention of obstruction or gangrene

CT SCAN OF THE ABDOMEN AND PELVIS WITHOUT CONTRAST:

CLINICAL INDICATION: History of left inguinal hernia repair. Complaining of nodule and left lower anterior abdominal wall.

Multidetector helical 3 mm axial and 4 mm coronal and sagittal imaging was performed from the xiphoid process to the ischial tuberosities after peroral and without IV contrast. The patient declined the IV use of contrast material. Comparison is made with the prior study from 3/20/09.

The previously described small amount of soft tissue attenuation deep to the left inguinal canal is again visualized appearing grossly unchanged from the last examination, possibly slightly smaller (1.8 cm in maximal dimension), in all likelihood reflecting postoperative fibrotic residuals. No inguinal hernia is noted on either side. Very small short linear/curvilinear and focal soft tissue attenuation is seen in the deep subcutaneous fat layer of the inferior left anterior abdominal wall at the approximate level of the left iliac crest, unchanged from prior study compatible with likely focal postoperative ribrosis. No focal soft tissue mass or ventral hernia is demonstrated. The solid, parenchymal organs of the upper abdomen appear normal in size and Cannot evaluate for intraparenchymal space occupying lesions without intravenous contrast. There is a tiny, about 5 mm well circumscribed near water attenuation structure in the posterior superior aspect of the right kidney, unchanged from prior study likely reflecting a small cyst. The gallbladder appears unremarkable. The adrenal glands are not enlarged. There is no evidence of hydronephrosis. The abdominal aorta is of normal diameter. The urinary bladder appears grossly unremarkable on this noncontrast study. prostate gland and seminal vesicles appear unremarkable . The opacified gastrointestinal tract appears grossly unremarkable. The osseous structures appear intact. The included basilar lung fields are clear. Postericr disk protrusions are again demonstrated at L4/L5 and L5/S1, appearing slightly more prominent or larger when compared to the prior study. If clinically warranted MRI of the lumbar spine could be performed.

IMPRESSION: SMALL AMOUNT OF SOFT TISSUE ATTENUATION DEEP TO THE LEFT INGUINAL CANAL, MINIMALLY SMALLER SINCE THE LAST EXAMINATION BUT GROSSLY UNCHANGED.
GIVEN THE PATIENT'S HISTORY OF PREVIOUS LEFT INGUINAL HERNIA REPAIR, THIS LIKELY REPRESENTS POSTOPERATIVE FIBROSIS. LIKELY TINY, ABOUT 5 MM RIGHT RENAL CYST, UNCHANGED FROM PRIOR STUDY. L4/L5 AND L5/S1 POSTERIOR DISC PROTRUSIONS

Read By: Oskar Salamon, MD

Date: 02/01/2010

Case 1:13-cv-00771-NGG-LB Document 1 Filed 02/08/13 Page 13 of 15 PageID #: 13

2 Feb 10 1530

Page 2 of 2

Woodhull Medical and Mental Health Center 760 Broadway, Brooklyn, NY 11206 Radiology Department

Patient: Antonetti, Carlos MRN-V#: 390669-83 DOB: 07/18/72 Age: 37Y Sex: M

Location: Surgery - 780

DOS: 1 Feb 10 1033 Status: complete

Abdomen CT* With Contrast

APPEARING SLIGHTLY LARGER SINCE THE LAST EXAMINATION. THIS IS MORE ACCURATELY ASSESSED WITH MRI OF THE LUMBAR SPINE, IF CLINICALLY WARRANTED. NO INGUINAL OK VENTRAL HERNIA NOTED. MINIMAL FOCAL POSTOPERATIVE FIBROTIC CHANGES IN THE INFERIOR LEFT ANTERIOR ABDOMINAL WALL, AS DISCUSSED ABOVE.

Electronically signed by: Dr. Oskar Salamon

Date: 02/01/10

Time: 11:37

Read By: Oskar Salamon, MD

Date: 02/01/2010

Case 1:13-cv-00771-NGG-LB Document 1 Filed 02/08/13 Page 14 of 15 PageID #: 14

2 Feb 10 1530

Woodhull Medical and Mental Health Center 760 Broadway, Brooklyn, NY 11206 Radiology Department

Patient: Antonetti, Carlos MRN-V#: 390669-83 DOB: 07/18/72 Age: 37Y

Location: Surgery - 780

DOS: 1 Feb 10 1033 Status: complete

Pelvis CT* With Contrast

INDICATIONS

Unilateral or unspecified inquinal hernia, with obstruction, without mention of gangrene (not specified as recurrent)

CT SCAN OF THE ABDOMEN AND PELVIS WITHOUT CONTRAST:

CLINICAL INDICATION: History of left inguinal hernia repair. Complaining of nodule and left lower anterior abdominal wall.

Moltidetector helical 3 mm axial and 4 mm coronal and sagittal imaging was performed from the xiphoid process to the ischial tuberosities after peroral and without IV contrast. The patient declined the IV use of contrast material.

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MRI of the lumbar spine could be performed. IMPRESSION: SMALL AMOUNT OF SOFT TISSUE ATTENUATION DEEP TO THE LEFT INGUINAL CANAL, MINIMALLY SMALLER SINCE THE LAST EXAMINATION BUT GROSSLY UNCHANGED. GIVEN THE PATIENT'S HISTORY OF PREVIOUS LEFT INGUINAL HERNIA REPAIR, THIS LIKELY REPRESENTS POSTOPERATIVE FIBROSIS. LIKELY TINY, ABOUT 5 MM RIGHT RENAL CYST, UNCHANGED FROM PRIOR STUDY. L4/L5 AND L5/S1 POSTERIOR DISC PROTRUSIONS

Read By: Oskar Salamon, MD

02/01/2010 Date:

Case 1:13-cv-00771-NGG-LB Document 1 Filed 02/08/13 Page 15 of 15 PageID #: 15

2 Feb 10 1530

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APPEARING SLIGHTLY LARGER SINCE THE LAST EXAMINATION. THIS IS MORE ACCURATELY ASSESSED WITH MRI OF THE LUMBAR SPINE , IF CLINICALLY WARRANTED. NO INGUINAL OR VENTRAL HERNIA NOTED. MINIMAL FOCAL POSTOPERATIVE FIBROTIC CHANGES IN THE INFERIOR LEFT ANTERIOR ABDOMINAL WALL, AS DISCUSSED ABOVE.

Electronically signed by: Dr. Oskar Salamon

02/01/10 Date: 11:37

Time:

Read By: Oskar Salamon, MD

02/01/2010 Date: